



Department of Justice

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UTPA PROFESSOR ORDERED DETAINED WITHOUT BOND PENDING TRIAL FOR RECEIPT AND POSSESSION OF CHILD PORNOGRAPHY

[MCALLEN, TX] – Brian S. Butler, 49, a University of Texas - Pan American professor charged by criminal complaint for receiving and possessing child pornography, has been denied bond pending indictment, United States Attorney Don DeGabrielle announced today.

Butler was arrested by federal agents and charged by criminal complaint on February 28, 2007 and has been in federal custody since his arrest. On Monday, March 5, 2007, United States Magistrate Judge Peter E. Ormsby found probable cause to support the charges and the case was bound over for possible grand jury action within the next thirty days. The hearing was continued and resumed this afternoon to determine the issue of bond. In the interim, the United States submitted additional information to court about Butler living next door to a middle school in the north McAllen area and argued there were no conditions or set of conditions that would protect the community.

During Monday's hearing, the United States presented testimony showing that in January 2007, during an Federal Bureau of Investigation (FBI) undercover Internet sting operation, the defendant allegedly accessed an internet news group associated with child pornography. Thereafter, further investigation lead local FBI agents to secure a search warrant for Butler's residence. On February 28, 2007, FBI agents executed the search warrant at Butler's home. While searching, agents located and seized five computers, as well as disks, zip disks and other external storage media devices found in the home. While only a small percent of hard drive of the personnel computer allegedly used exclusively by Butler has been searched, over 400 images of child pornography has been found on the computer. A more extensive forensic examination of the computer and external storage media devices is pending.

If Butler were to be indicted and subsequently convicted of possessing child pornography, he could face a maximum ten (10) year prison term. Receipt of child pornography carries a penalty of no less than five (5) up to a maximum of twenty (20) year imprisonment upon conviction. Both charges also carry a maximum fine of \$250,000 and up to a lifetime supervised release term following release from prison.

The indictment is the result of an investigation conducted by agents of the Federal Bureau of Investigations and Immigration Customs and Enforcement. The case is being prosecuted by Assistant United States Attorney Alex C. Lewis.

A compliant is an accusation of criminal conduct, not evidence. The defendant is presumed innocent unless and until convicted through due process of law.

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